



Ohio Administrative Code Rule 5120-9-09 Limited privilege housing assignments.

Effective: February 11, 2017

(A) An inmate may be placed in and/or transferred to a limited privilege housing assignment:

- (1) When needed to facilitate an investigation for the issuance of a conduct report, other administrative action or criminal prosecution.
- (2) Pending a hearing before the RIB;
- (3) Pending transfer to another institution;
- (4) When the inmate has been found guilty through the processes set forth in rule 5120-9-07 or 5120-9-08 of the Administrative Code for any violation of the inmate rules of conduct set forth in rule 5120-9-06 of the Administrative Code; or,
- (5) When the inmate has increased in security to a new general population housing assignment, and the managing officer or designee has determined a need for an initial assessment and orientation period.

(B) An inmate may be placed in a limited privilege housing assignment for the following periods:

- (1) In the case of an inmate placed in a limited privilege housing assignment under paragraph (A)(1) of this rule, the inmate may be placed until such time that the investigation has been completed subject to the required extensions set forth in rule 5120-9-11 of the Administrative Code;
- (2) In the case of an inmate placed in a limited privilege housing assignment under paragraph (A)(2) of this rule, the inmate may be placed for a time period no longer than seven business days unless prevented by exceptional circumstances, unavoidable delays or reasonable postponements. Extensions beyond seven business days shall be documented in the record of the RIB along with the reason for the delay.. In the event the inmate is found guilty by the RIB of misconduct, any



additional time frames will be set by paragraph (B)(4) of this rule;

(3) In the case of an inmate placed in a limited privilege housing assignment under paragraph (A)(3) of this rule, the inmate may be placed until such time that the transfer has been completed. The managing officer shall have discretion to house multiple security levels in limited privilege housing assignments when inmates are pending transfer;

(4) In the case of an inmate placed in a limited privilege housing assignment under paragraph (A)(4) of this rule, time limitations for placement shall be based upon the type and frequency of the hearings.

(a) Hearing officers conducting disciplinary hearings under rule 5120-9-07 of the Administrative Code shall have the authority to place an inmate for the following time frames:

(i) Up to seven calendar days for a first offense committed during an inmates annual classification review period as set forth in rule 5120-9-53 of the Administrative Code.

(ii) Up to fourteen calendar days for a second offense committed during an inmates annual classification review period.

(iii) Up to twenty-one calendar days for a third offense committed during an inmates annual classification review period.

(iv) For any further misconduct during an inmates annual classification review period that the hearing officer determines a placement in a limited privilege housing assignment is necessary, the hearing officer shall refer the case to the RIB for a disciplinary hearing under rule 5120-9-08 of the Administrative Code. Nothing in this paragraph prevents a hearing officer from addressing minor misconduct with other available disciplinary sanctions listed in rule 5120-9-07 of the Administrative Code.

(b) The RIB conducting disciplinary hearings under rule 5120-9-08 of the Administrative Code shall have the authority to place an inmate for up to ninety calendar days for a single violation or a series of violations arising out of a single event. The RIB may impose up to an additional ninety calendar



days for any additional misconduct.

(5) In the case of an inmate placed in a limited privilege housing assignment under paragraph (A)(5) of this rule, the inmate may be initially retained in this status for up to ninety calendar days. After ninety calendar days, the inmate shall be reviewed by the institutional classification committee to determine if he or she should be reassigned or continued for a period from thirty to ninety calendar days. The managing officer or designee may require that the inmate complete programming and remain free of additional misconduct during the placement in a limited privilege housing assignment to become eligible for reassignment.

(C) Nothing in this rule shall be construed to prohibit the managing officer or designee from referring an inmate to the institutional reclassification committee for consideration of a security level increase at any time. Inmates may not reduce in classification while placed in limited privilege housing assignments without approval from the chief of the bureau of classification and reception.

(D) Nothing in this rule shall prohibit the managing officer or designee from releasing an inmate from a limited privilege housing assignment prior to the expiration of the sanction for exhibiting positive behavior.

(E) Inmates placed in a limited privilege housing assignment shall receive, at a minimum, the following privileges:

(1) Personal hygiene articles including, at a minimum, one ADA (American dental association) approved toothbrush, ADA approved toothpaste, ADA approved dental floss, feminine hygiene products for female inmates and soap, unless there is imminent danger that the inmate or any other inmate will destroy an item or induce self-injury. Personally owned deodorant, shampoo, soap, toothpaste, floss, and hairbrush/comb shall be permitted.

(2) Stationery supplies including a reasonable amount of ink pens and pencils, legal pads/paper, twenty-five personally owned envelopes, one legal kit, one address book, a reasonable amount of greeting cards, and one personally owned deck of playing cards.

(3) Mail and kite privileges on the same basis as inmates in general population.



- (4) A reasonable amount of personally owned soft cover books, religious books, personally owned law books/materials, one current newspaper and magazine by subscription only.
 - (5) Access to legal materials and services.
 - (6) Access to medical and/or mental health services, including prescribed medications and medically necessary appliances and supplies. Inmates shall have access to care and treatment consistent with their treatment plan.
 - (7) Adequate food. At the discretion of the managing officer or designee, meals may be served in the unit outside of the cell or in the inmate dining hall. Meals shall be the same as those served to the general population.
 - (8) Access to basic necessities to include toilet, wash basin, hot and cold running water, bunk, mattress, sheets, pillow and blanket (depending on weather conditions).
 - (9) More than two hours of out of cell time per day, no less than seven days per week, which shall include the opportunity for a minimum of one hour of exercise per day outside of the cell at indoor and/or outside recreation as facility design, security, and safety considerations permit.
 - (10) The opportunity to shower and shave no less than seven times per week.
 - (11) Access to current administrative rules, also known as "ARs," 5120-9 series and access to authorized departmental policies.
- (F) Restrictions on personal privileges may be ordered through the disciplinary processes set forth in rules 5120-9-07 and 5120-9-08 of the Administrative Code following an inmate's abuse of such privileges or facilities or when such action is deemed necessary by the managing officer or designee for the safety or security of the institution or the well-being of the inmate. Such restrictions shall continue only as long as is reasonably necessary. In no event shall access to kite, medical, mental health, or legal services be denied.